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HRHH Gaming Senior Mezz, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICHARD LUM, an individual;

Plaintiff,

v.

HRHH GAMING SENIOR MEZZ, LLC,
dba Hard Rock Hotel & Casino Las Vegas;
DOES 1 through 10 inclusive; ROE
CORPORATIONS/ENTITIES 1 through
10 inclusive,

Defendants.

Case No.: 2:16-cv-01230-GMN-CWH

**DEFENDANT HRHH GAMING SENIOR
MEZZ LLC'S REQUEST FOR EXCEPTION
TO EARLY NEUTRAL EVALUATION
ATTENDANCE REQUIREMENTS**

Defendant HRHH Gaming Senior Mezz LLC dba Hard Rock Hotel & Casino Las Vegas ("Defendant" or "Hard Rock") by and through its counsel Jackson Lewis P.C., hereby respectfully requests an exception to the early neutral evaluation ("ENE") attendance requirements.

Defendant is insured with American International Group (AIG - Financial Lines Claims). However, Defendant's insurance policy contains a substantial (six figures) self-insured retention amount and, given that Plaintiff asserts only discrimination and retaliation under the Americans With Disabilities Act in this case, any resolution at the ENE will be well within Defendant's self-insured retention. As such, Defendant respectfully requests that a representative from Defendant's insurance carrier be excused from attending in person the ENE; however, to alleviate any concerns, a representative will be available telephonically. Participation by the insurance

1 carrier via telephone, which is unlikely to be necessary, will not adversely affect the ENE, and
2 Defendant will attend the ENE with appropriate settlement authority.

3 Based on the foregoing, Defendant respectfully requests the insurance carrier be excused
4 from in person attendance, and to the extent necessary be allowed to attend the ENE currently
5 scheduled for October 26, 2016, at 10:00 a.m., telephonically as needed.

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7 Dated this 11th day of October, 2016.

8 JACKSON LEWIS P.C.

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10 /s/ Deverie J. Christensen

Deverie J. Christensen, Bar No. 6596

Phillip Thompson, Bar No. 12114

3800 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169

Attorneys for Defendant HRHH Gaming
Senior Mezz, LLC

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16 The telephonic hearing scheduled for October 13, 2016 is VACATED.
17 IT IS HEREBY ORDERED that Defendant HRHH Gaming Senior
18 Mezz LLC's Request for Exception to Early Neutral Evaluation
Attendance Requirements (ECF No. 11) is GRANTED.
19 IT IS SO ORDERED.

20 Dated this 12th day of October, 2016.

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23 Cam Ferenbach
24 United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that I am an employee Jackson Lewis P.C. and that on this 11th day of October, 2016, I caused to be sent via ECF filing, a true and correct copy of the above and foregoing **ANSWER TO COMPLAINT** to the following:

Attorney for Plaintiff

Trevor J. Hatfield
Hatfield & Associates, Ltd.
703 South Eighth Street
Las Vegas, Nevada 89101

Attorneys for Plaintiff

/s/ Kelley Chandler
Employee of Jackson Lewis P.C.

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